

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Gordon J. Freeman *et al.*

Serial No.: 10/767,561

Art Unit: 1644

Filed: January 28, 2004

Attorney Docket No. WYS-018.04

For: TUMOR CELLS MODIFIED TO  
EXPRESS B7-2 WITH INCREASED  
IMMUNOGENICITY AND USES THEREFOR

Confirmation No.: 5098

Examiner: Philip Gambil

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby bring to the Examiner's attention the reference listed on the accompanying form PTO/SB/08. Applicants respectfully request that the Examiner consider the listed document and indicate that it was considered by making appropriate notations on the attached form. Applicants respectfully submit a Supplemental Information Disclosure Statement before the mailing of a first Office Action after the filing of a Request for Continued Examination under 37 C.F.R. §1.97(b)(4).

Applicants have listed the date of publication on the attached PTO/SB/08 for the cited document based on information presently available to the undersigned. However, the listed publication date should not be construed that the information in the cited document was actually published or otherwise publicly available on the date indicated.

No item contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the best of Applicants'

knowledge, no item contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.

This submission does not represent that a search has been made or that no better art exists. Nor does it constitute an admission that each or all of the listed documents are material or constitute “prior art.” Further, if the Examiner applies the document as prior art against any claim in the application and Applicants determine that the cited document does not constitute “prior art” under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such document. Moreover, the Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed document, should the document be applied against the claims of the present application.

Applicants believe that no fee is due in connection with the above submission; however, Applicants authorize the U.S. Patent and Trademark Office to withdraw any necessary fees from our **Deposit Account No. 06-1448, Reference WYS-018.04.**

Respectfully submitted,  
Foley Hoag LLP

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